

**10957. Misbranding of Avalon distemper and cold compound. U. S. v. 6 Bottles of Abalon [Avalon] Distemper and Cold Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15543. S. No. E-3638.)**

On November 10, 1921, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 bottles of Abalon [Avalon] distemper and cold compound, at Otselic, N. Y., alleging that the article had been shipped by the Avalon Farms Co., Chicago, Ill., on or about September 29, 1921, and transported from the State of Illinois into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Distemper \* \* \* Compound \* \* \* Recommended for \* \* \* strangles, distemper or shipping fever \* \* \*;" (circular) "Distemper \* \* \* Compound \* \* \* Distemper \* \* \* shipping fever and colt-ill \* \* \* strangles \* \* \* give Avalon Farms Distemper and Cold Compound \* \* \* until the aggravating symptoms subside, after which a dose three times a day is sufficient until recovery is complete \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of ammonium chlorid, iron chlorid, glycerin, mydriatic alkaloid, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof, appearing on the label of the bottle containing the said article and in the accompanying circular, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 7, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10958. Misbranding of cold pressed cotton seed. U. S. v. Gilmer Cotton Seed Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 15573. I. S. No. 463-t.)**

On January 10, 1922, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gilmer Cotton Seed Oil Co., a corporation, Gilmer, Texas, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 22, 1920, from the State of Texas into the State of Missouri, of a quantity of cold pressed cotton seed which was misbranded. The article was labeled in part: "Equity Brand Cold Pressed Cotton Seed Weight 100 Lbs. Net."

Examination, by the Bureau of Chemistry of this department, of 40 sacks of the said article showed that the average net weight of the sacks examined was 89.6 pounds, an average shortage from the declared weight of 10.4 per cent.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 27, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10959. Misbranding of sirup. U. S. v. 978 Cans of Sirup. Decree ordering release of product under bond. (F. & D. No. 16387. I. S. Nos. 14310-t, 14311-t, 14312-t, 14313-t. S. No. W-1098.)**

On July 3, 1922, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 978 cans of sirup, remaining unsold in the original unbroken packages at Rock Springs, Wyo., consigned by the Vincent Syrup Co., Denver, Colo., alleging that the article had been shipped from Denver, Colo., on or about May 1, 1920, and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Can) "23 Pounds Net Vincent's 3 0 1 Table Syrup Flavored with Maple \* \* \* Manufactured by Vincent Syrup Co. Denver, Colorado." The remainder of the

article was labeled in part: (Can) "A No. 1 Vincent's Leader Cane and Maple Syrup Vincent 2½ Lbs Net" (or "5 Lbs Net" or "10 Lbs Net") "Vincent Syrup Co. Denver, Colo."

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the cans of the respective sizes, containing the said article, "23 Pounds Net," "2½ Lbs Net," "5 Lbs Net," and "10 Lbs Net," were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that the said cans purported to contain 23 pounds, 2½ pounds, 5 pounds, and 10 pounds, respectively, whereas, in truth and in fact, each of said cans did contain less than 23 pounds, 2½ pounds, 5 pounds, or 10 pounds, as the case might be, of the said article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On August 2, 1922, the Vincent Syrup Co., Denver, Colo., having entered an appearance as claimant for the property, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10960. Misbranding of Cadomene tablets. U. S. v. 557 Packages of Cadomene Tablets. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14381, 14382. I. S. Nos. 10511-t, 10512-t. S. Nos. W-854, W-855.)

On January 31, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 557 packages of Cadomene tablets, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Blackburn Products Co., Dayton, Ohio, between the dates of March 19 and June 3, 1920, and transported from the State of Ohio into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained zinc phosphid, strychnine, and an iron salt, coated with calcium carbonate and colored lavender.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the label of the bottle containing the said article and in the accompanying circular, (bottle) "Invigorating \* \* \* for the Treatment of \* \* \* Neurasthenia (Nerve Exhaustion), General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other Symptoms due to \* \* \* Worry, Grief, Intemperance, Dissipation, Overwork, Mal-Nutrition, Convalescence from Influenza, Etc. \* \* \*," (circular) "\* \* \* the benefits to be derived from their use, are such as to recommend them to all who may be afflicted with \* \* \* Neurasthenia, Nervous Exhaustion, General Debility, Melancholy, Dizziness, Heart Palpitation, Trembling Weakness, Waning Strength, Functional Irritation of the Urinary Tract, Languor and many other symptoms due to \* \* \* Worry, Grief, Intemperance, Dissipation Mal-Nutrition, Overwork, Etc. \* \* \* valuable for those who are despondent, nervous, irritable and unable to act naturally under the most ordinary circumstances \* \* \*," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 9, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10961. Misbranding of Egyptian regulator tea. U. S. v. 528 Packages, et al., of Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14390, 14391, 14392. I. S. Nos. 10486-t, 10487-t, 10488-t. S. Nos. W-857, W-858, W-859.)

On February 1, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and